

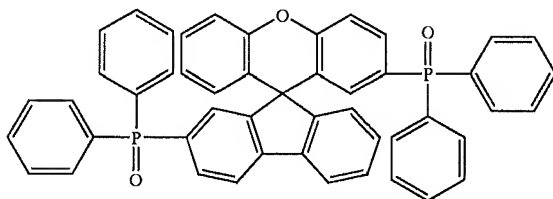
REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. Support for amended claim 1 can be found in claim 1. The applicant has deleted X=O in formula (3). Support for amended added claims 3 and 25 can be found in claims 3 and 25.

Claims 1, 3, 5, 7-18, and 25-26 remain rejected under 35 U.S.C. 102(b) as being anticipated by US 2003/0168970 (Tominaga). Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Tominaga as evidenced by *J. Am. Chem. Soc. Vol. 16, 1983, pages 153-161* (Burgi). Claims 4, 19-22, and 27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga. The applicant respectfully traverses these rejections.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3, 5, 7-18, and 25-26 remain rejected under 35 U.S.C. 102(b) as being anticipated by Tominaga. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Tominaga as evidenced by Burgi. Tominaga discloses an organic electroluminescent device comprising an emitting layer consisting of a phosphorescent dopant doped in a matrix material and furthermore comprising an electron transporting layer/hole blocking layer. The material for the electron transporting/hole blocking layer can be a phosphine oxide compound such as the compound disclosed on page 15:



In this formula, as the Examiner has correctly recognized that in the applicant's formula (3) X is O. The applicant has deleted X=O in formula (3). In formula (3) X = S. Tominaga does

not disclose that any compounds corresponding to Formula (1), (2) or (4) or corresponding to amended Formula (3) (X=S) are used for the electron transporting/hole blocking layer. For the above reasons, these rejections should be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 4, 19-22, and 27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga. Tominaga does not suggest that any compounds corresponding to Formula (1), (2) or (4) or corresponding to amended Formula (3) could be used for the electron transporting/hole blocking layer. The person of ordinary skill in the art would therefore not have any motivation to use compounds other than those disclosed by Tominaga.

“[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Furthermore, the Examiner cannot selectively pick and choose from the disclosed parameters without proper motivation as to a particular selection. The mere fact that a reference may be modified to reflect features of the claimed invention does not make the modification, and hence the claimed invention, obvious unless the prior art suggested the desirability of such modification. *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430 (Fed. Cir. 1990); *In re Fritch*, 23 USPQ2d 1780 (Fed. Cir. 1992). Thus, it is impermissible to simply engage in a hindsight reconstruction of the claimed invention where the reference itself provides no teaching as to why the applicant’s combination would have been obvious. *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). For the above reasons, this rejection should be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00013-US from which the undersigned is authorized to draw.

Dated: December 2, 2010

Respectfully submitted,

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